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Subject: RE: Interpretation of BC sec 1328(f)(2)

I agree with the trustee on this one. When 1328(f)(2) refers to "such order" I think it has to be referring to the last time the term "order" was used, which was in (f)(1). I think "such order" was used so that "order for relief under this chapter" wouldn't have to be repeated. Section (f) does not use the term "order" so I don't think (f)(2) would be interpreted as referring to the prior discharge order.

So, I think the debtor isn't entitled to a chapter 13 discharge if he received a chapter 13 discharge during the 2 year period preceding the order for relief in the present chapter 13 case. In fact, a rule referring to the discharge order in the present case wouldn't make a lot of sense, considering that the debtor may not be getting a discharge in the present case, and that debtors rarely get a discharge in a prior chapter 13 within 2 years of the present proposed discharge, because the present chapter 13 plan would usually be 3-5 years long.